

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|----------------------|
| GLYNS BARTOW, personally and as |) | |
| Administratrix for the Estate of |) | |
| NANCY MOORE, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 06-102 Erie |
| |) | |
| CAMBRIDGE SPRINGS SCI, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on May 3, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 5, 2007, recommended that: (1) Defendant Cambridge Springs SCI's motion to dismiss [Doc. # 6] be granted; (2) Defendant Dr Randy Edwards' motion to dismiss Plaintiff's Complaint [Doc. # 8] and motion to dismiss Plaintiff's Amended Complaint [Doc. # 12] be granted; and (3) Plaintiff's claims against Defendants John Doe 1, John Doe 2, and John Doe 3 be dismissed in their entirety due to Plaintiff's failure to serve said Defendants within 120 days, as required by Rule 4(m) of the Federal Rules of Civil Procedure. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff filed objections [Doc. # 18] to the Report and Recommendation on February 13, 2007.

After de novo review of the Complaint and Amended Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 16th Day of February, 2007, IT IS HEREBY ORDERED

that:

- (1) Defendant Cambridge Springs SCI's motion to dismiss [Doc. # 6] is GRANTED;
- (2) Defendant Dr Randy Edwards' motion to dismiss Plaintiff's Complaint [Doc. # 8] and motion to dismiss Plaintiff's Amended Complaint [Doc. # 12] is GRANTED; and
- (3) Plaintiff's claims against Defendants John Doe 1, John Doe 2, and John Doe 3 are DISMISSED for failure to serve said Defendants within 120 days, as required by Rule 4(m) of the Federal Rules of Civil Procedure.

The report and recommendation of Magistrate Judge Baxter dated February 5, 2007 [Doc. # 16] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
United States District Judge

cm: all parties of record _____
Magistrate Judge Susan Paradise Baxter